



THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
100 CHURCH STREET  
NEW YORK, N.Y. 10007

HON. SYLVIA O. HINDS-RADIX  
*Corporation Counsel*

INNA SHAPOVALOVA  
*Senior Counsel*  
Tel.: (212) 356-2656  
Fax: (212) 356-3509  
inshapov@law.nyc.gov

April 17, 2024


**BY ECF**

Honorable Lorna G. Schofield  
United States District Judge  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Application **GRANTED**. The conference currently scheduled for May 1, 2024, shall be adjourned to **May 15, 2024 at 4:20pm**. The parties shall file the materials described in the Court's Order dated January 11, 2024 **no later than fourteen days** before the initial pre-trial conference.

Dated: April 18, 2024  
New York, New York

Re: John A. Wilson v. Captain Leslie et al.,  
23 Civ. 11063 (LGS)

  
**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**

Your Honor:

I am a Senior Counsel in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York and the attorney for interested party the City of New York ("City") in the above-referenced matter.<sup>1</sup> The undersigned writes to respectfully request: (1) an adjournment of the initial conference scheduled May 1, 2024 at 4:20 p.m.<sup>2</sup>; and (2) a corresponding adjournment of the joint letter and proposed case management plan to be filed fourteen days in advance of the initial conference. This is the second request for an adjournment of the initial conference and plaintiff *pro se*, John A. Wilson, consents to this request.

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<sup>1</sup> This case has been assigned to Assistant Corporation Counsel Randy Nandlall, who is awaiting admission to the New York Bar. Mr. Nandlall is handling this matter under my supervision and may be reached at (212) 356-2356 or [mandlal@law.nyc.gov](mailto:mandlal@law.nyc.gov).

<sup>2</sup> Should the Court be inclined to grant this request, the undersigned respectfully requests that the Court not adjourn the initial pretrial conference to a date the week of June 3<sup>rd</sup> as the undersigned is scheduled to be out of the office June 3, 2024 – June 7, 2024. Further, the undersigned notes that this Office has been informed that plaintiff has a criminal court appearance scheduled on May 28, 2024.

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By way of background, plaintiff is proceeding *pro se* in this action, pursuant to 42 U.S.C. § 1983, alleging, *inter alia*, excessive force arising from his arrest on or about October 15, 2023. Plaintiff names Captain Leslie, Officer Rivera, and “tactical team of the 47<sup>th</sup> Precinct” as defendants in this action. On January 11, 2024, Your Honor construed the Complaint as asserting claims against individual Tactical Team officers, directed the Clerk of Court “to amend the caption of this action to replace the ‘Tactical Team of the 47<sup>th</sup> Precinct’ with ‘John Doe Officer or Officers of the 47<sup>th</sup> Precinct,’” and ordered this Office to “ascertain the identity and badge number of each John Doe whom plaintiff seeks to sue here and the address where the defendant may be served.” ECF No. 7.

On February 28, 2024, Your Honor issued an Order adjourning the initial pretrial conference to May 1, 2024 at 4:20 p.m. See ECF No. 10. Further, the Court ordered the parties to confer and jointly file a proposed case management plan and letter. Id.

On March 20, 2024, Your Honor granted in part the undersigned’s request for the Court to *sua sponte* extend individually named defendants Leslie and Rivera’s time to respond to the Complaint until May 21, 2024 and denied the request to adjourn the initial conference. See ECF No. 20. On April 9, 2024, the undersigned responded to the Court’s Valentin Order and identified members of Emergency Service Unit on October 15, 2023, who were present at 1057 East 227th Street, Bronx New York, and who were involved in the physical apprehension of plaintiff on October 15, 2023. See ECF No. 21. The Court ordered that summons be issued for those individuals identified pursuant to the Court’s Valentin Order, and, upon review of the docket, summonses were issued and the service package delivered to the U.S. Marshals for Sergeant Michael Kenny, Detective Justin Hoff, Police Officer Michael Sambrato, Sergeant Theo Roussos, and Police Officer Brian Fraught. See ECF Nos. 22-23, Docket Entry dated April 12, 2024.

The primary reason for the instant request is that, upon information and belief, plaintiff will not be available to be produced to participate in the May 1, 2024 conference. Upon information and belief, plaintiff is not in Attica Correctional Facility and is instead currently in New York City Department of Correction (“DOC”) custody. Further, this Office has been informed that plaintiff has a criminal court appearance scheduled for May 1, 2024 and therefore will not be available to be produced to participate in the conference in this matter on that date. Additionally, although the undersigned expects this Office to resolve representation with defendants Rivera and Leslie in the next two weeks, this Office does not represent any individually named defendants in this action at this time and therefore cannot yet properly complete the joint letter.

Accordingly the respectfully requests an adjournment of the initial conference scheduled May 1, 2024 at 4:20 p.m. and a corresponding adjournment of the joint letter and proposed case management plan.

Thank you for your consideration herein.

Respectfully submitted,

*/s/ Inna Shapovalova*

Inna Shapovalova

*Senior Counsel*

Special Federal Litigation Division

cc: **VIA FIRST CLASS MAIL**

John A. Wilson

*Plaintiff Pro Se*

B&C 3492400740

Otis Bantum Correctional Center

16-00 Hazen Street

East Elmhurst, NY 11370